

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

BRYAN J. STELLWAGEN,

Plaintiff,

vs.

COMMISSIONER,  
Social Security Administration,

Defendant.

Case No. 6:21-cv-00972-MK

ORDER GRANTING PLAINTIFF'S  
UNOPPOSED MOTION FOR  
ATTORNEY FEES PURSUANT TO 42  
U.S.C. § 406(b)

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Plaintiff Bryan J. Stellwagen brought this action seeking review of the Commissioner's final decision denying his application for disability benefits under the Social Security Act. The Court reversed the Commissioner's decision and remanded the case for the immediate calculation and payment of benefits. The Commissioner subsequently found Plaintiff entitled to disability benefits and auxiliary benefits beginning July 2019.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant has not objected to the request. I have reviewed the record in this case, the motion, and the supporting materials, including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S.

789, 796 (2002), the Court finds that the requested fees are reasonable.

Plaintiff's Motion for Attorney Fees Pursuant to 42 U.S.C. 406(b) is hereby GRANTED, and Plaintiff's counsel is awarded \$15,289.47 in attorney's fees under 42 U.S.C. § 406(b). When issuing the § 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to send the full award of \$15,289.47, less any applicable processing or user fees prescribed by statute, to Plaintiff's attorney, Katherine L. Eitenmiller, at WELLS, MANNING, EITENMILLER & TAYLOR, P.C.,<sup>1</sup> 474 Willamette Street, Eugene, Oregon 97401. Any amount withheld after all administrative and court attorney fees are paid should be released to the claimant.

IT IS SO ORDERED this 15th day of September 2023.

s/ Mustafa T. Kasubhai  
MUSTAFA T. KASUBHAI (He / Him)  
United States Magistrate Judge

Proposed Order submitted by:  
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